

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TRAVIS COX,

Plaintiff,

vs.

DOUGLAS COUNTY, DOUGLAS COUNTY
DEPARTMENT OF CORRECTIONS, and
WELL PATH MEDICAL PROVIDERS,

Defendants.

8:23CV297

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's "Motion for Continuance" filed on September 20, 2023, seeking additional time to pay the initial partial filing fee due to "change of address." [Filing No. 13](#). Plaintiff's initial partial filing fee of \$44.99 was due September 18, 2023, as set forth in this Court's August 17, 2023, order, [Filing No. 8](#), granting Plaintiff's motion to proceed in forma pauperis, [Filing No. 2](#). The Court's August 17 Order was returned as undeliverable, [Filing No. 9](#), resulting in this Court issuing an order on August 30, 2023, requiring Plaintiff to update his address by September 29, 2023, [Filing No. 11](#), which Plaintiff provided,¹ indicating he has been moved from the

¹ The same day the August 30 order was entered requiring Plaintiff to update his address a notice of change in address was received from Plaintiff. [Filing No. 10](#). Plaintiff filed another change of address on September 20, 2023, listing the same address as set forth in his first August 30 change of address notice, [Filing No. 12](#), presumably to comply with the August 30 order.

Douglas County Department of Corrections facility in Omaha to the Lincoln Correctional Center (the “LCC”). See [Filing No. 10](#); [Filing No. 12](#).

Due to the nature of Plaintiff's request, the Court construes the Motion for Continuance as a request for additional time to pay the initial filing fee. “[T]he Court routinely allows plaintiffs additional time to pay an initial filing fee.” *Taylor v. Neb.*, No. 8:22CV349, [2022 WL 17404922](#), at *1 (D. Neb. Dec. 2, 2022) (citing *Castonguay v. Douglas Cnty. Correction Ctr.*, No. 8:09CV225, 2009 WL 2840533, at *2 (D. Neb. Sept. 2, 2009) (extending time to pay initial filing fee due to lack of funds); *Alowonle v. Dep't of Corr. - MCF/WRML*, No. CIV. 09-1898 ADM/AJB, 2010 WL 428556, at *1 (D. Minn. Feb. 2, 2010) (discussing prior approval of initial filing fee extension in 1983 action)).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Extend time to pay his initial filing fee, [Filing No. 13](#), is **GRANTED**. Plaintiff has through and until **November 1, 2023**, to pay the initial partial filing fee of \$44.99 unless the Court extends the time to pay in response to a written motion.

2. After payment of the initial partial filing fee, Plaintiff's institution must collect the additional monthly payments in the manner set forth in [28 U.S.C. § 1915\(b\)\(2\)](#) and forward those payments to the Court.

3. The Clerk's office is directed to send a copy of this order and the Court's August 17, 2023, order, [Filing No. 8](#), to the appropriate official at Plaintiff's current institution.

4. The Clerk of Court is directed to terminate the prior case management deadlines in the August 20, 2023, Order, [Filing No. 11](#), as Plaintiff has complied by

updating his address and as the Court now extends the deadline for Plaintiff to pay the initial partial filing fee. The Clerk of Court is further instructed to set a pro se case management deadline using the following text: **November 1, 2023**: initial partial filing fee due.

5. Plaintiff is advised that, following payment of the initial partial filing fee, the next step in Plaintiff's case will be for the Court to conduct an initial review of Plaintiff's claims set forth in his Complaint to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#), which shall be conducted in the normal course of business following receipt of the initial partial filing fee.

Dated this 2nd day of October, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", written over a horizontal line.

Joseph F. Bataillon
Senior United States District Court